TRANSMITTAL OF APPEAL BRIEF (Large Entity)	Docket No. ITL.0324US

In Re Application Of: **George J. Miao**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/467,611	December 20, 1999	Dung X. Nguyen	21906	2638	2610

Invention: **Dual Mode Filter for Mobile Telecommunications**

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on **March 7, 2006**

The fee for filing this Appeal Brief is: **$500.00**

☒ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **20-1504**

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated: **April 18, 2006**

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

April 18, 2006
(Date)

Signature of Person Mailing Correspondence

Nancy Meshkoff

Typed or Printed Name of Person Mailing Correspondence

cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	George J. Miao et al.	Art Unit:	2638
Serial No.:	09/467,611	Examiner:	Dung X. Nguyen
Filed:	December 20, 1999	Atty Docket:	ITL.0324US (P8027)
For:	Dual Mode Filter for Mobile Telecommunications	Assignee:	Intel Corporation

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Date of Deposit: April 18, 2006
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Nancy Meshkoff

TABLE OF CONTENTS

REAL PARTY IN INTEREST 3
RELATED APPEALS AND INTERFERENCES 4
STATUS OF CLAIMS 5
STATUS OF AMENDMENTS 6
SUMMARY OF CLAIMED SUBJECT MATTER 7
GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL 8
ARGUMENT 9
CLAIMS APPENDIX 10
EVIDENCE APPENDIX 12
RELATED PROCEEDINGS APPENDIX 13

REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-15 (Rejected).

Claim 19 (Canceled).

Claims 16-18, 20-30 (Allowed).

Claims 1-15 are rejected and are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A cellular transceiver comprising:

a first digital decimation filter (142, Figure 14) with N bands; and

a second digital decimation filter (144, Figure 14) to reject N-1 bands coupled to said first digital decimation filter adapted to implement a Global System for Mobile communication mode (specification at page 14, lines 17-19 and page 15, lines 16-23).

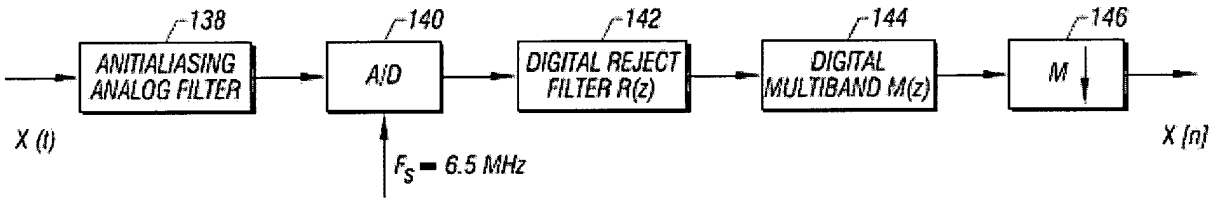

FIG. 14

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Are claims 1-15 unpatentable over Farhan?

ARGUMENT

A. Are claims 1-15 unpatentable over Farhan?

With respect to the objection that the variable N must be further limited, it is unclear why the variable N must be further limited. One skilled in the art would appreciate how best to select whatever variable N should be selected. There is no need to put any limitations, even if they are believed by the Examiner to be practical limitations, on the claims as one skilled in the art should be able to understand the claims.

With respect to the assertion that the phrase "adapted to" is not entitled to weight, it is noted that the argument that the claim really only describes the intended result of a step is inappropriate since there is no step described in the claim. Instead, the "adapted to" language does not merely cover the intended effect of a step, but, rather, is limited to that structure which is necessary to achieve that result since this is an apparatus claim. This is expressly sanctioned by new M.P.E.P. § 2173.075(g) (last paragraph) which expressly discusses "adapted to" language and indicates that the language should be interpreted to cover, at least in an apparatus setting, the corresponding structure needed to implement the function.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: April 18, 2006

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Ste. 100
Houston, TX 77024
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation

CLAIMS APPENDIX

The claims on appeal are:

1. A cellular transceiver comprising:

a first digital decimation filter with N bands; and

a second digital decimation filter to reject N-1 bands coupled to said first digital decimation filter adapted to implement a Global System for Mobile communication mode.

2. The transceiver of claim 1 wherein said first digital decimation filter may selectively implement a digital square-root-raised-cosine filter for a Wideband Code Division Multiple Access mode.

3. The transceiver of claim 2 when said first digital decimation filter and said second digital decimation filter are programmable tap filters.

4. The transceiver of claim 2 including a controller that selectively programs said first digital decimation filter to provide an output for a Wideband Code Division Multiple Access mode.

5. The transceiver of claim 4 wherein said first digital decimation filter is coupled to a controller that is programmable to cause said first digital decimation filter to output N bands for a Global System for Mobile communication mode.

6. The transceiver of claim 4 wherein said first digital decimation filter and said second digital decimation filter provide an output for a transceiver receiving a Global System for Mobile communication signal and said first digital decimation filter provides an output when the system is receiving a Wideband Code Division Multiple Access signal.

7. The transceiver of claim 6 wherein said first digital decimation filter is programmable to have either twenty-one or fifty-three taps.

8. The transceiver of claim 7 wherein said second digital decimation filter has twenty-seven taps.

9. The transceiver of claim 1 including a memory that provides less than all of the coefficients from said first filter to said second filter.

10. The transceiver of claim 8 wherein said memory provides less than all of the coefficients from said first digital decimation filter to said second digital decimation filter.

11. The transceiver of claim 1 wherein the output from said first digital decimation filter and the output from said second digital decimation filter are coupled to a multiplexer, the output of said multiplexer being selectively controllable depending on the nature of the cellular system.

12. The transceiver of claim 11 wherein the output of said multiplexer depends on whether the transceiver is utilized in a Global System for Mobile communication or a Wideband Code Division Multiple Access system.

13. The transceiver of claim 12 wherein said controller selects the output of the first digital decimation filter when the transceiver is located in a Wideband Code Division Multiple Access system and selects the output of the second digital decimation filter when the transceiver is in a Global System for Mobile communication system.

14. The transceiver of claim 13 wherein the output from said second digital decimation filter is a result of filtering by said first digital decimation filter and said second digital decimation filter.

15. The transceiver of claim 12 using the same anti-alias analog filter and analog-to-digital converter for both modes.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.